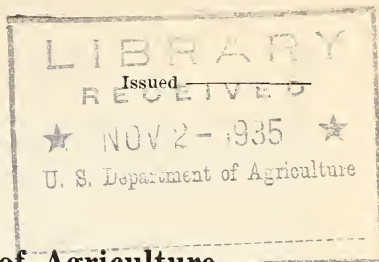


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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE REGULATIONS OF THE NAVAL STORES ACT

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 1, 1935]

7. Adulteration of spirits of turpentine. U. S. v. Chas. L. Read & Co., Inc. Plea of guilty. Fine, \$750. (N. S. no. 7. Sample nos. 51397-A, 51398-A, 51399-A, 51400-A, 51780-A, 51784-A, 51785-A, 51786-A.)

This case was based on the sale in interstate commerce of various lots of gum spirits turpentine which was adulterated, all the lots with one exception having been found to contain substantial amounts of sulphate wood turpentine and mineral oil; the remaining lot having been found to contain approximately 10 percent of mineral oil.

On September 7, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Chas. L. Read & Co., Inc., Newark, N. J., charging the commission of certain acts injurious to commerce in naval stores in the sale and transportation in interstate commerce between the dates of September 23, 1933, and November 15, 1933, from the State of New Jersey into the States of New York and Connecticut of quantities of adulterated gum spirits turpentine. The article was invoiced as "gum spirits turpentine" and was labeled in part: "Pure Gum Spirits Turpentine Chas L Read & Co Inc."

The information charged the commission of the following acts injurious to commerce in naval stores: The sale by reference to United States standards for naval stores of an article that was other than naval stores, in that it was represented to be gum spirits turpentine, i. e., "spirits of turpentine made from gum (oleoresin) from a living tree", one of the United States standards for naval stores; whereas it was not gum spirits turpentine, but was an adulterated naval stores article consisting in part of mineral oil, the shipments, with one exception, also containing substantial amounts of sulphate wood turpentine; the use in commerce of the word "turpentine" with the combination of words "Gum Spirits Turpentine" and "Pure Gum Spirits Turpentine" in selling and shipping an article that was other than naval stores of the United States standard; and the substitution of mineral oil and sulphate wood turpentine in part for gum spirits of turpentine, then labeling and selling such article in a manner so as to lead the purchaser to believe it was pure gum spirits of turpentine, which constituted a false, misleading, and deceitful means and practice in the sale of an article offered as naval stores of a United States standard.

On January 25, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$750.

M. L. WILSON, *Acting Secretary of Agriculture.*

8. Adulteration of steam distilled wood turpentine. U. S. v. The Tredennick Paint Manufacturing Co. Plea of nolo contendere. Fine, \$75. (N. S. no. 11. Sample nos. 67480-A, 67500-A, 70726-A, 70728-A, 70730-A.)

This case was based on the sale and transportation in interstate commerce of various shipments of steam-distilled wood turpentine which was adulterated with mineral oil.

On February 13, 1935, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district

court an information against the Tredennick Paint Manufacturing Co., a corporation, Meriden, Conn., charging the commission of certain acts injurious to commerce in naval stores in the sale and transportation in interstate commerce between the dates of January 26 and April 10, 1934, from the State of Connecticut into the States of New York and New Jersey of quantities of adulterated steam-distilled wood turpentine. The article was labeled in part: "Treco Steam Distilled Wood Turpentine * * * The Tredennick Paint Mfg. Co., Meriden, Conn."

The information charged that the sale of said article was made under and by reference to the United States standards for naval stores and was injurious to commerce in naval stores since the article was represented to be "Steam Distilled Wood Turpentine", one of the United States standards for naval stores and defined thereunder as "wood turpentine distilled with steam from the oleoresin within or extracted from the wood"; whereas it was not of said standard since it consisted in part of about 20 percent of mineral oil. The information further charged that the use in commerce of the word "turpentine" in the combination of words "Steam Distilled Wood Turpentine" in the sale of an article which was other than naval stores of the United States standard, was injurious to commerce in naval stores; and that the mixing together of mineral oil and steam-distilled turpentine and the substitution of said mixture for steam-distilled wood turpentine and the sale and shipment thereof in commerce under the designation "Steam Distilled Wood Turpentine", constituted a false, misleading, and deceitful means and practice in the sale of a product offered as a naval stores article.

On February 18, 1935, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$75.

M. L. WILSON, *Acting Secretary of Agriculture.*

9. Alleged misgrading of rosin. U. S. v. James E. Lockard (J. E. Lockard). Tried to a jury. Verdict of not guilty. (N. S. no. 9. Sample no. 61988-A.)

This case charged the sale in interstate commerce of rosin of a lower grade than invoiced and labeled.

On September 26, 1934, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court an information against James E. Lockard, trading as J. E. Lockard, near Ocean Springs, Miss., alleging that the said defendant, on or about January 26, 1934, sold, i. e., invoiced as N and WW grades, respectively, certain barrels of rosin labeled in part, "Gum Rosin * * * N [or "WW"]"; that the defendant shipped said barrels of rosin on or about January 27, 1934, from the State of Mississippi into the State of Louisiana, and that it was of a lower grade than labeled and invoiced.

The information charged that the sale of the said rosin was made under and by reference to United States standards for naval stores and was injurious to commerce in naval stores, in that it was represented to be N grade or WW grade gum rosin, standards for gum rosin designated by the act, whereas it was of a different and lower grade, namely, the alleged N grade was in fact M grade, a part of the alleged WW grade was in fact N grade and that a part of the alleged WW grade was in fact WG grade. The information further charged that the selling, labeling, and shipping of said rosin as aforesaid, which was alleged to have been done without spiking and grading, constituted the use in commerce of a false, misleading, and deceitful means and practice in the sale of naval stores and was injurious to commerce in naval stores.

On June 11, 1935, the case was tried to a jury and a verdict of not guilty was returned.

M. L. WILSON, *Acting Secretary of Agriculture.*

10. Adulteration of turpentine. U. S. v. Apex Color Works, Inc. Plea of guilty. Fine, \$50. (N. S. no. 12. Sample no. 5954-B.)

This case was based on the sale in interstate commerce of turpentine which was adulterated with mineral oil.

On January 28, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Apex Color Works, Inc., trading at Jersey City, N. J., charging that on or about May 8, 1934, the defendant company sold and shipped in interstate commerce from New Jersey into Pennsyl-

vania, in violation of the Naval Stores Act, a quantity of a product represented to be turpentine but which consisted of a mixture of turpentine and mineral oil. The article was billed as turpentine, was sold under purchase order contract calling for "Turpentine, Pure gum spirits", and was labeled in part: "Apex Color Works, Inc. * * * Turpentine."

The information charged commission by the defendant of the following acts injurious to commerce in naval stores: The sale by reference to United States standards for naval stores of an article that was other than naval stores, i. e., a product represented to be gum spirits of turpentine, one of the United States standards for naval stores, but which consisted of a mixture of turpentine and mineral oil; the use in commerce of the word "Turpentine" and the combination of words "Turpentine, Pure gum spirits", in selling and shipping an article that was other than naval stores of the United States standard; the entering into the contract to furnish "Turpentine, Pure gum spirits", the mixing together of turpentine and mineral oil and the substitution of said mixture in filling such contract, and the labeling and selling such mixture as turpentine, constituted false, misleading, and deceitful means and practices in the sale of an article offered for sale as naval stores of the United States standard.

On February 15, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

